

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

IMOTORSPORTS SBP, LLC d/b/a
ST. PETE POWERSPORTS,

Petitioner,

vs.

HSMV Case Nos.: MS-19-162

DOAH Case Nos.: 19-2718

WEST COAST OUTDOOR SPORTS, LLC
d/b/a GABLES MOTORSPORTS WESLEY
CHAPEL and VANDERHALL MOTOR
WORKS, INC.,

Respondents.

FINAL ORDER NO. :

HSMV-20-0022-FOF-MS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FINAL ORDER

This matter comes before the Department of Highway Safety and Motor Vehicles for entry of a final order upon submission of the Recommended Order issued December 10, 2019, by the Honorable Hetal Desai, Administrative Law Judge of the Division of Administrative Hearings, a copy of which is attached and incorporated by reference in this order. None of the parties having filed exceptions to the Recommended Order, and having reviewed the Recommended Order, transcript, exhibits, and the complete record of the proceeding, and being fully advised in the premises, it is **ORDERED** and **ADJUDGED** that:

1. The Findings of Fact, Conclusions of Law, and Recommendation contained in the Recommended Order are **ADOPTED IN TOTO**;
2. The Department finds that the Petitioner failed to meet its burden of establishing standing; and
3. Accordingly, the petition is **DISMISSED** and the case is **CLOSED**.

If all other requirements for licensure are met, the Bureau of Dealer Services may issue a license for the proposed establishment of West Coast Outdoor Sports, LLC d/b/a Gables Motorsports Wesley Chapel as a franchise dealership for the sale of motorcycles manufactured by Vanderhall Motor Works, Inc. (line-make VAND).

DONE AND ORDERED this 16th day of January, 2020, at Tallahassee, Leon County, Florida.



Robert Kynoch, Director of Motorist Services
Department of Highway Safety and Motor Vehicles
2900 Apalachee Parkway
Tallahassee, Florida 32399

FILED FLHSMV AGENCY CLERK
JAN 16 2020
MS-19-162

COPIES FURNISHED this 16th day of January, 2020, to:

Joseph R. Gillespie, Agency Clerk
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room A432, MS 02
2900 Apalachee Parkway
Tallahassee, Florida 32399-0500
ogcfiling@flhsmv.gov
joegillespie@flhsmv.gov

Nigel Bailey
West Coast Outdoor Sports, LLC
28009 Wesley Chapel Boulevard
Wesley Chapel, Florida 33543-3202

Teresa Shepherd
Vanderhall Motor Works, Inc.
3500 Mountain Vista Parkway
Provo, Utah 84606-5544
tshepherd@vanderhallusa.com

Timothy Walter
iMotorsports SBP, LLC
334 West Grand Avenue
Elmhurst, Illinois 60126-1127
tim@imotorsportsinc.com

Timothy Walter
iMotorsports SBP, LLC
555 34th Street, South
St. Petersburg, Florida 33711-1719

Jeffrey Whaley
Vice President of Sales and Operations
Vanderhall Motor Works, Inc.
3500 Mountain Vista Parkway
Provo, Utah 84606-5544
jwhaley@vanderhallusa.com

Haider Saba
iMotorsports SPB, LLC
555 34th Street South
St. Petersburg, Florida 33711-1719
haider@imotorsportsinc.com

Christie S. Utt, General Counsel
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room A-432, MS 02
2900 Apalachee Parkway
Tallahassee, Florida 32399-0504
christieutt@flhsmv.gov

Ed Broyles, Chief of Dealer Services
Department of Highway Safety
and Motor Vehicles
Neil Kirkman Building, Room A-312, MS 65
2900 Apalachee Parkway
Tallahassee, Florida 32399-0635
edbroyles@flhsmv.gov

NOTICE OF APPEAL RIGHTS

A party adversely affected by this final order may seek judicial review as provided in section 120.68, Florida Statutes, and Florida Rule of Appellate Procedure 9.190. Judicial review is initiated by filing a notice of appeal with the Agency Clerk, and a copy of the notice of appeal, accompanied by the filing fee, with the appropriate district court of appeal. The notice of appeal must conform to the requirements of Florida Rule of Appellate Procedure 9.110(d) and must be filed (*i.e.*, received by the Agency Clerk) within thirty days of rendition of this final order.

Filing with the Department's Agency Clerk may be accomplished by U.S. mail, express overnight delivery, hand delivery, facsimile transmission, or electronic mail. The address for overnight delivery or hand delivery is Joseph Gillespie, DHSMV Agency Clerk, Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, MS-2, Tallahassee, Florida 32399. The facsimile number is (850) 617-5112. The email address is OGCFiling@flhsmv.gov.